

S.No.243

2023:PHHC:041480

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-34649 of 2019

Date of Decision:21.03.2023

Salamat Masih and others

.....Petitioners

Vs.

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Sandeep Arora, Advocate for the petitioners.

Mr. P.S. Pandher, AAG, Punjab.

Mr. J.S. Rana, Advocate for Mr. G.S. Rawat,
Advocate for respondents No.2 to 4.

DEEPAK GUPTA, J.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of F.I.R. No.35 dated 25.05.2019 registered under Sections 326, 324, 323, 341, 379, 148, 149 IPC at Police Station Bhaini Mian Khan, District Gurdaspur along with all subsequent proceedings arising therefrom on the basis of compromise.

2. This Court vide order dated 26.08.2019 had directed the petitioners as well as respondent No.2 to appear before the Area Magistrate/ trial Court to get their statements recorded and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

3. Pursuant to the aforesaid order, petitioners as well as respondent No.2 have appeared before learned Judicial Magistrate Ist Class, Gurdaspur and got their statements recorded. On the basis of the

statements so recorded, learned Magistrate has submitted report dated 23.09.2019 to the effect that the compromise has been effected between the parties voluntarily and without any coercion or undue influence.

4. However, vide order dated 10.10.2022, on request of learned counsel for the petitioner, direction was given for recording the statements of respondents No.3 and 4 before the Illaqa Magistrate/ trial Court and the learned Magistrate was directed to send its report qua the genuineness of the compromise.

5. Pursuant to the aforesaid order, respondents No.3 and 4 have appeared before learned Judicial Magistrate Ist Class, Gurdaspur and got their statements recorded. On the basis of the statements so recorded, learned Magistrate has submitted report dated 03.01.2023 to the effect that the compromise has been effected between the parties voluntarily and without any coercion or undue influence.

6. Learned State counsel as well as learned counsel for respondent Nos.2 to 4 have not disputed the factum of compromise between the parties.

7. In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

8. Following the principles laid down by the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052*** and approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012) 10 SCC 303***, this petition is allowed and F.I.R. No.35 dated 25.05.2019

registered under Sections 326, 324, 323, 341, 379, 148, 149 IPC at Police Station Bhaini Mian Khan, District Gurdaspur along with all subsequent proceedings arising therefrom on the basis of compromise, are quashed.

March 21, 2023
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No